

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 10-33713-H4-7
	§	
DAMIEON D. HALL,	§	
Debtor	§	CHAPTER 7
	§	
U.S. BANK, N.A., ITS ASSIGNS	§	
AND/OR SUCCESSORS IN	§	
INTEREST,	§	
Movant	§	HEARING DATE: 11/16/2010
	§	
v.	§	TIME: 09:00 AM
	§	
DAMIEON D. HALL; and	§	
JOSEPH M. HILL, Trustee	§	
Respondents	§	JUDGE JEFF BOHM

**MOTION FOR RELIEF FROM THE STAY REGARDING NON-EXEMPT PROPERTY
AND WAIVER OF SECTION 362(e) REQUIREMENT**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN NOVEMBER 09, 2010 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON NOVEMBER 16, 2010 AT 9:00 AM IN COURTROOM 600, 515 RUSK AVENUE, 6TH FLOOR, HOUSTON, TX 77002.

1. This Motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: U.S. BANK, N.A., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST
3. Movant, directly or as agent for the holder, holds a security interest in

14727 PLACID POINT
HUMBLE, TX 77396

LOT 25, IN BLOCK 1, OF FALL CREEK SECTION 2, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 488018, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not listed on debtor(s)' Schedule C.

5. Type of collateral: Real Estate.

6. Debtor's scheduled value of property: \$332,969.00.

7. Movant's estimated value of property: \$332,969.00.

8. Total amount owed to movant: \$386,921.22.

9. Estimated equity (paragraph 7 minus paragraph 8): \$-53,952.22.

10. Total pre and post-petition arrearages: \$54,011.54.

11. Total post-petition arrearages: \$11,385.98.

12. Amount of unpaid, past due property taxes, if applicable: Unknown.

13. Expiration date on insurance policy, if applicable: Unknown.

14. X Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A". Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required by the debtor's pre-petition contracts.

16. Name of Co-Debtor: Not Applicable

17. Based on the foregoing, movant seeks termination of the automatic stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by email or by facsimile, by the following person on the following date and time:

Mitchell buchman called Rogenia Atkinson and left a message

October 07, 2010 at 3:09 p.m.

An agreement could not be reached. If requested by debtor and debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays, before this motion was filed.

Date: 10/12/2010

/s/ MITCHELL BUCHMAN

MITCHELL BUCHMAN

TX NO. 03290750

S.D. TX NO. 6328

1900 ST. JAMES PLACE SUITE 500

HOUSTON, TX 77056

Telephone: (713) 621-8673

Facsimile: (713) 621-8583

E-mail: SDECf@BDFGROUP.COM

ATTORNEY FOR MOVANT

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on October 12, 2010 via electronic means as listed on the Court's ECF Noticing System or by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ MITCHELL BUCHMAN

MITCHELL BUCHMAN

TX NO. 03290750

S.D. TX NO. 6328

1900 ST. JAMES PLACE SUITE 500

HOUSTON, TX 77056

Telephone: (713) 621-8673

Facsimile: (713) 621-8583

E-mail: SDECf@BDFGROUP.COM

ATTORNEY FOR MOVANT

EXHIBIT 1

DEBTORS:

DAMIEON D. HALL
14727 PLACID POINT
HUMBLE, TX 77396

DAMIEON D. HALL
13314 BARBSTONE DRIVE
HOUSTON, TX 77044

TRUSTEE:

JOSEPH M. HILL
5851 SAN FELIPE, SUITE 950
HOUSTON, TX 77057

US TRUSTEE:

515 RUSK, STE 3516
HOUSTON, TX 77002

DEBTOR'S ATTORNEY:

ROGENA JAN ATKINSON
3617 WHITE OAK DRIVE
HOUSTON, TX 77007

PARTIES IN INTEREST:

FALL CREEK HOA
PO BOX 219223
HOUSTON, TX 77218

INTERNAL REVENUE SERVICE SPECIAL PROCEDURES BRANCH
INSOLVENCY SEC 1
1919 SMITH STOP 5024-HOU
HOUSTON, TX 77002

PARTIES REQUESTING NOTICE:

HARRIS COUNTY
C/O LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
P O BOX 3064
HOUSTON, TX 77253-3064

GE MONEY BANK
C/O RECOVERY MANAGEMENT SYSTEMS CORP.
25 SE 2ND AVENUE, SUITE 1120
MIAMI, FL 33131-1605

MANN & SEVENS, PC
C/O JUNE A. MANN
550 WESTCOTT, SUITE 560
HOUSTON, TX 77007